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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MCCULLEY, MEGAN CASSANDRA

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

09/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

The amendments to the claims will not be entered because the scope of the claims is changed; new issues are raised which would require a further search and/or consideration. Specifically, the amendment to claim 1 narrows the polyamine to aliphatic or alicyclic rather than the broader possibility of aliphatic, alicyclic or aromatic.

While arguments to the not entered amendments will not be addressed below, applicant's arguments pertaining to the finally rejected claims will be discussed for further clarification.

Applicant's arguments filed August 18, 2008 have been fully considered but they are not persuasive, because:

A) Applicant's argument that there are unexpected results using the specific polyamine borate of the instant claims is not persuasive. The argument that the comparison for unexpected results should be shown from the closest prior art and not the proposed combination is pertinent. However, upon consideration of the results discussed in the instant specification, there are no examples that are sufficiently commensurate in scope with the claims to show unexpected results. Specifically, there is only one polyamine compound (2-ethyl-4-methylimidazole) that has both an amino group and an imino group, and no compounds that have only an imino group. Further, only boric acid is used as the borate compound rather than other boric acid esters which overlap the claimed boric acid-based compound, especially considering not-entered new claim 19 limits the boric acid-based compound to only boric acid esters and not boric acid.

B) As discussed in the interview on August 27, 2008 and recorded in the interview summary, the not-entered proposed amendment to claim 1 would overcome the applied art since claim 1 excludes aromatic compounds and the applied art teaches melamine borate, which is aromatic.

Art Unit: 1796

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Megan McCulley whose telephone number is (571)270-3292. The examiner can normally be reached on Monday - Friday 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on (571) 272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo, Ph.D./
Supervisory Patent Examiner, Art Unit 1796
29-Aug-08

/M. M./
Examiner, Art Unit 1796